

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA

PLAINTIFF

Case No. 3-05-mj-255

-VS-

ROBERT S. BROWN

District Judge Thomas M. Rose

Defendant

**ENTRY AND ORDER DENYING DEFENDANT'S MOTION FOR REVIEW OF
DETENTION ORDER (DOC. #9)**

This matter came before the Court pursuant to Defendant's Motion for Review of Detention Order pursuant to 18 U.S.C. Section 3145(b) filed August 18, 2005. Pursuant to said Motion, the Court requested a response from U.S. Pretrial Services which was subsequently received by the Court on August 30, 2005.

On September 25, 2005, the Defendant, through counsel, at his arraignment, renewed said Motion and requested the Court to consider the August 30, 2005 Pretrial Supplemental Report in support of said Motion.

The Court, in considering said Motion, has reviewed the initial Pretrial Services Report issued August 12, 2005 as well as the subsequent August 30, 2005 Supplemental Report.

Initially, the Pretrial Services recommended that Defendant be detained without bond as there appeared to be no condition or combination of conditions to reasonably assure his appearance and/or the safety of any other persons or the community. The Magistrate Judge accepted that recommendation and ordered Defendant detained without bond.

The initial evaluation made by the Pretrial Services was based upon the Defendant's lack of a stable residence, his employment stability, prior failure to appear for court proceedings, the nature of the instant alleged offense, his prior illicit drug use and his recurring pattern of criminal conduct.

In support of Defendant's Motion, the Defendant referenced the Pretrial Services August 30, 2005 Memorandum reporting that Defendant can now reside with his aunt, Agnes Cooper, 920 Pimlico Drive, Apt. 2D, in Centerville, OH.

Although this information may address one of the concerns upon which the Court issued its previous detention order, after a review of all information contained in the pretrial services reports, the Court still finds that there appears to be no condition or combination of conditions that reasonably assure Defendant's appearance and/or the safety of any other person or the community.

Defendant's Motion to review and amend the previous detention order is DENIED.

IT IS SO ORDERED.

September 30, 2005

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE